

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DUMBO MOVING & STORAGE INC.,

Plaintiff,

vs.

PIECE OF CAKE MOVING & STORAGE LLC,  
SIMPLY MOVING LLC, SIMPLY MOVING &  
STORAGE LLC, VOJIN POPOVIC, STEFAN  
MARCALI, and VOLODYMYR PLOKHYKH,

Defendants.

Case No. 22-CV-05138 (ER)

**DECLARATION OF FRED H. PERKINS IN SUPPORT OF DEFENDANTS' PIECE OF  
CAKE MOVING & STORAGE LLC, SIMPLY MOVING LLC, SIMPLY MOVING &  
STORAGE LLC, VOJIN POPOVIC, AND STEFAN MARCALI'S MOTION TO  
COMPEL PLAINTIFF'S TRADE SECRET IDENTIFICATION  
AND, IN THE ALTERNATIVE, FOR PARTIAL SUMMARY JUDGMENT**

FRED H. PERKINS declares, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am a member of Morrison Cohen LLP, attorneys for Defendants Piece of Cake Moving & Storage LLC, Simply Moving LLC, Simply Moving & Storage LLC, Vojin Popovic, and Stefan Marcali (the "POC Defendants"). This declaration is made in support of the POC Defendants' motion to compel Plaintiff Dumbo Moving & Storage Inc.'s ("Dumbo") to provide a trade secret identification with reasonable particularity, and in the alterative, for partial summary judgment.

2. In accordance with Fed. R. Civ. P. 37(a)(1), I hereby certify that the POC Defendants have in good faith conferred with Dumbo repeatedly on the issues addressed in the

motion as set forth in detail in the accompanying Memorandum of Law and the Local Rule 56.1 Statement of Undisputed Materials Facts.

3. Annexed hereto as Exhibit “A” is a true and correct copy of the POC Defendants’ Responses to Plaintiff’s First Set of Interrogatories and Document Requests, served on January 10, 2024.

4. Annexed hereto as Exhibit “B” is a true and correct copy of the POC Defendants’ second set of interrogatories, served on April 11, 2024.

5. Annexed hereto as Exhibit “C” is a true and correct copy of Dumbo’s initial responses to the POC Defendants’ second set of interrogatories, served on June 4, 2024.

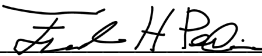
6. Annexed hereto as Exhibit “D” is a true and correct copy of Dumbo’s amended responses to the POC Defendants’ second set of interrogatories, served on August 5, 2024.

7. The full text of Defendants’ interrogatories Nos. 1 and 3 (which Dumbo labeled Nos. 11 and 13) and Dumbo’s initial and amended responses are quoted verbatim in paragraphs 19-20 and 22-23, 32 & 36 of Defendants’ Local Rule 56.1 Statement of Undisputed Facts submitted herewith.

8. Annexed hereto as Exhibit “E” is a document comparing Dumbo’s description of its alleged trade secrets in its Second Amended Complaint (ECF 66) to Dumbo’s description of its alleged trade secrets in both its original and amended responses to the POC Defendants’ second set of interrogatories (Exhibits C & D respectively).

9. Annexed hereto as Exhibit “F” is a true and correct copy of the transcript of the July 24, 2024 pre-motion conference in the above-captioned proceeding.

Dated: New York, New York  
August 23, 2024

  
FRED H. PERKINS